

**BRIGHAM CITY PLANNING COMMISSION MEETING  
TUESDAY, FEBRUARY 03, 2009 – 6:30 PM  
BRIGHAM CITY COUNCIL CHAMBERS**

<b>PRESENT:</b>	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Deon Dunn	Commissioner
	Paul Fowler	Commissioner
	Roger Handy	Commissioner
	Larry Jensen	Alternate Commissioner
	Eve Jones	Alternate Commissioner

<b>ALSO PRESENT:</b>	Ruth Jensen	City Council Liaison
	Mark Bradley	City Planner
	Eliza McGaha	Secretary

<b>EXCUSED:</b>	Lynda Berry	Commissioner
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**AGENDA:**

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

PUBLIC HEARING / APPLICATION #3091 / UPDATE OF CHAPTER 29.02 DEFINITIONS AND CHAPTER 29.09 SCHEDULE OF USES

CONTINUATION OF APPLICATION #3085 / UPDATE AND REWRITE OF CHAPTER 29.13 COMMERCIAL DISTRICTS

DISCUSSION:

**REGULAR MEETING:**

Joan Peterson opened the regular meeting at 6:30 p.m. Eve Jones led the Pledge of Allegiance.

**APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:**

**MOTION:** A motion was made by Barbara Poelman to accept the January 20, 2009 work session minutes. The motion was seconded by Eve Jones and passed unanimously.

**PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):**

There was no public comment.

**PUBLIC HEARING / APPLICATION #3091 / UPDATE OF CHAPTER 29.02 DEFINITIONS AND CHAPTER 29.09 SCHEDULE OF USES:**

These two chapters are a result of the effort that is being made to update Chapter 29.13 Commercial Districts. Mr. Bradley reviewed with the Commissioners the documents showing the proposed definition changes.

Ms. Jones pointed out inconsistencies in starting the descriptions of the definitions, specifically mentioning the use of the word 'means' under Affected Entity, Appeal Authority, City Attorney's Office, City Council, Commercial Sales and Services, Community Development Department, Kennel Commercial, Kennel Sportsman, Land Use Application, Land Use Authority, Land Use Ordinance, Land Use Permit, Legislative Body, Non-complying Building or Structure, Non-conforming Use, and Official Map. It was suggested to delete the word 'means' from the beginning of those descriptions as well as from any other descriptions that were overlooked. On page 29.2-7 under Grade, it was suggested deleting 'Means' and replacing it with 'Includes'.

Mr. Handy pointed out the redundancy of having both Karate Studio and Martial Arts Studio definitions. It was determined that Karate Studio would be deleted as karate is listed under the Martial Arts Studio definition. In the definition of Price-Point Retail Establishment, the letter 's' should be added to the word 'dollar'. Under Public Buildings, Mr. Handy suggested changing 'Utah State' to read "State of Utah" to avoid confusion with Utah State University. Ms. Poelman suggested replacing the word 'the' with 'Brigham' so it would read 'Brigham City' instead of 'the City'. Under Office Professional, the word 'chiropractor' should be changed to 'chiropractic'.

**MOTION:** A motion was made by Barbara Poelman to open the public hearing for application #3091. The motion was seconded by Larry Jensen and passed unanimously.

There was no public present to make comment.

**MOTION:** A motion was made by Barbara Poelman to close the public hearing for application #3091. The motion was seconded by Eve Jones and passed unanimously.

Mr. Bradley commented that this is to remove inconsistencies and is not removing anything that would impact the City standards. He said if this item was forwarded on, he would report back to the Commission any changes the City Council may make.

**MOTION:** A motion was made by Paul Fowler to recommend approval of the update to Chapter 29.02 Definitions and recommend removing Chapter 29.09 Schedule of Uses and correcting the inconsistencies in the grammar and wording, and therefore recommended it to the City Council. The motion was seconded by Deon Dunn.

Discussion: Ms. Poelman suggested adding to the motion the words 'until a future date, until the matrix can be revised' which Mr. Bradley suggested be added to section 29.09. Mr. Fowler stated he would like to add that to his motion as stated by Ms. Poelman. Ms. Dunn was agreeable to that addition.

The motion passed unanimously.

## **CONTINUATION OF APPLICATION #3085 / UPDATE AND REWRITE OF CHAPTER 29.13 COMMERCIAL DISTRICTS:**

Mr. Bradley went over the changes that had been made as a result of the comments from the previous meeting.

Concerning schools and preschools, Mr. Fowler asked if there was anything in the ordinance to help organize them as far as picking up, dropping off, and parking. He gave an example of the dance hall with 50 parents dropping off their kids all at once and he asked if there was anything that provides for that or would regulate how that could be organized. Mr. Bradley replied that to his knowledge there were no provisions for that. They are permitted uses but there is a provision in the parking standard along old Main Street where parking is limited that exempts them from meeting the new parking standards because of the existing establishment. With home occupations, the goal is to make the home stay as residential as possible. Mr. Fowler commented that problems exist in other places where kids are being dropped off. He pointed out how schools are organized for drop-off and pick-up and commented that he thought something like that should be done where those other uses are concerned. Mr. Bradley said that is something that should be looked at.

Mr. Bradley read the addition of language, regarding walls between properties, to Protection of Residential Property and asked if that addition met with what the Commissioners had envisioned and if they were comfortable with the language. There were several positive comments. Currently the standard allows a commercial building to be built right up to the property line and a home built up to 6-feet of the property line. Mr. Fowler commented that it would be difficult to do in the existing areas but would be feasible in new areas and in areas that would be newly developed.

Mr. Bradley explained that he had been working on landscaping for an upcoming public hearing and he thought they could incorporate some of that into this district and make reference to the design guidelines because of landscaping problems that have been experienced in the past. He handed out a clean version of the document and reviewed the suggested additions for the Commission's consideration.

Ms. Jones asked if a certain percentage of open space, as they had discussed in a previous meeting, would be included in that section or if it would be something different. Mr. Bradley replied that it would be discussed at the next meeting because any residential development has to be done in accordance with the multifamily chapter, which is the chapter where that language would be. Ms. Dunn asked if the West Forest, Historic Downtown and 1100 South had specific design guidelines that were elsewhere. Mr. Bradley replied that all those documents had been prepared and are very professional. The 1100 South design guidelines were adopted by both Brigham City and Perry City and is referenced in the Upland Square development agreement. The City Council also adopted the West Forest design guidelines. The adopted documents are available on the City website. The Historic Downtown document is prepared but has not yet been adopted.

The density in R-M-30 and R-M-15 zones was discussed and Mr. Bradley calculated that 15 dwelling units per acre on 25-acres could have up to 375 dwelling units. Mr. Fowler commented that somewhere in the language minimum green space should be added with a minimum per building and so much additional per unit which would make them more appealing in terms of aesthetics. Mr. Bradley said it should start at a base number of 2,000 square feet compared to the 1,000 that was required for Upland Square. Mr. Fowler also said that type of thing would probably encourage more townhome-type of buildings as opposed to an apartment high-rise.

Concerning landscaping, Mr. Fowler commented that in his experience as a professional landscaper it is very reasonable to expect a 2-inch caliper deciduous tree or even greater. He said most of the projects he works on require a 2.25 or 2.5 and 2-inch is considered a commercial grade. He suggested removing the sentence that discussed reducing the number of required trees if the applicant is willing to

plant another type of tree. Mr. Fowler commented that having something in this section on landscaping was a good start. He said it was a very good base and all the additions were good things to add and still keep it simple. He suggested starting with trees and a minimal percentage or footage which would help with some projects. Mr. Fowler also suggested that time restrictions should be added to the ordinance, if it is not already in there, to encourage projects to get started and completed within a certain specified time frame.

Mr. Jensen asked why chain-link fences with slats were specifically excluded. He said he has seen a lot of masonry walls that get bumped once and look terrible after a period of time and was concerned about the long-term maintenance. Mr. Bradley commented that the CMU block walls are primarily for noise protection which is why they are primarily between commercial and residential uses.

Concerning the Building Material/Hardware Sales category, Mr. Handy asked why those were being made nonconforming uses. Mr. Bradley replied that they did not seem like the type of use that would be in the Central Business District (CBD); there is a lot of General Commercial (GC) for hardware. He said they were previously a conditional use and the goal is to eliminate as many conditional uses as possible. Concerning pawn shops, price-point retail, and quick cash, Mr. Bradley said they all have the same standard and are being proposed for that distance. Mr. Handy said he did not think there was any reason to have key and lock services a nonpermitted use in the CBD. He said he would like a reason as to why some things are not allowed in the CBD so if he gets asked why they are not allowed he can answer that question. Mr. Fowler replied that one of the reasons would be traffic flow, which is very limited. He said another reason is that they are working with the RDA for a more aesthetically pleasing downtown, and they are working on changing some of the storefronts; as part of that they want to have businesses that would have some type of display or something to look at. Mr. Bradley added that he would classify that type of use under the repair and services that are more GC which he classified with household repairs and things of that nature. Second-hand thrift stores would fall under retail; shoe repair is in the definition of personal services.

Mr. Bradley commented that they had talked about the purpose of the CBD being a walkable area where people could walk to those services. There was some discussion about drop-off businesses and laundry cleaning drop-off with no onsite service and Mr. Bradley said they could add another line item for that. He also explained that existing businesses with those uses would be a nonconforming use and would be allowed to continue but if they closed and the building was left vacant for a year, another person could not come in and operate that business. Drop-off as well as onsite and offsite will be added to Laundry, Dry Cleaning, and Pressing.

Mr. Handy asked what the basis was for determining that locksmithing was not a legitimate use in the CBD and gunsmithing is. He said he was concerned that some of the uses were being excluded based on what does not feel right to some people. Mr. Fowler replied that the Code states that as long as an area is provided for that business to be in, it is not an issue. It was decided to make a note of this subject.

Mr. Bradley moved on to the windshield survey which addressed what the City and Planning Commission visualize for the CBD corridor primarily midblock between 100 East and 100 West. Some considerations for this are: to leave that area as it is and allow the residential and commercial uses to continue to be joint and have all dwellings subject to the R-M-30 standards, or rezone the area to midblock keeping the fronting properties as residentially zoned which would allow a brand new home to be constructed in that area, or leave the area currently as it is and include special standards. Mr. Bradley displayed visual aids to show what could be done to reach some type of compatibility between commercial and residential. Another option would be to do an overlay zone. He explained that if the Commission is not comfortable with any of the options the ordinance for dwellings can be left as it currently is or make the adoptions and then revisit it when some group fieldtrips can be made to look at the areas in town and determine what is wanted.

Using visual aids Mr. Bradley explained the windshield survey he had done. Concerning the area on the corner of 700 South Main Street, he mentioned that one of the problems with having a commercial building fronting Main Street and being built to the rear property line, the residents on 100 West face the back of those commercial buildings. In the CBD there are some homes that are well kept single family dwellings. Mr. Bradley commented that going north along 100 North there are some smaller single story homes and apartments which are not as well kept and a historic home that is being worked on which looks nice. The Kent's Market area is a good commercial example where the City required new trees to be planted to help buffer the drive-thru addition for the residents. The area continued northward then transitioned into multifamily.

Mr. Fowler commented that on the east side of Kent's there is that buffer between that and the homes. The feeling one gets going down that street is that Kent's is so much less intrusive to the residential than the backside of the DI.

Mr. Bradley continued with the visual presentation. He commented that in some areas along 100 West there were apartments built and across the street from them is a single family residential zone. There are few areas where commercial extends beyond midblock. Mr. Fowler said that one of the things they were trying to address is how to handle the midblock situation because some commercial runs all the way through the block or on either side. He commented that they wanted to address how to protect the homeowners when the use is changed such as in tearing down homes to put in a commercial use, which is permitted because of the GC zoning.

Mr. Bradley commented that Paul Larsen mentioned that they need to look at ways to preserve some of the existing single family homes because they turn into nice offices; the main concern being for those homes on Main Street. He said they almost have two different things they are dealing with, preservation of the nice homes on Main Street and the integration of the two uses. One of the ways to protect the homes on Main Street is to use them for office buildings. Ms. Dunn asked if the City had any provisions to put homes on the historic register. Ms. Poelman commented that Larry Douglass, former Brigham City Museum Director, did a lot with that and did two or three homes a year. She said there is a lot of research and paperwork involved in getting homes on the register. There are certain restrictions on the façade but windows could be upgraded. When changes are made they have to be kept within certain bounds. She said that having the old homes preserved is something that they should do. Ms. Jones asked if the City could force a home to be on the historic register. She said it could be a disadvantage to some homeowners who may not be able to afford the upkeep. Mr. Fowler said that some historic registers mandate exactly what can and cannot be done and some homeowners may not be able to afford it or it may not be their desire to do. Mr. Handy commented that the property owner did not need to give their permission but would need their cooperation to get all the information to get it on the list.

Mr. Bradley commented that if the Commission felt comfortable with what is being proposed they could go ahead and adopt it which would make existing dwellings nonconforming or the proposed language could be discarded and leave it as it currently is which allows for dwellings as a permitted use under the R-M-30 zoning standards. A further study could be done on the 100 East through 100 West area and possibly request the City Council to adopt the temporary zoning regulations. Ms. Jones said she did not want to see the residential on 100 East and 100 West get taken over by commercial by tearing down an existing home which is allowed in the current language. Ms. Peterson commented that commercial buildings can be built up to the property line and need some protection for that to keep the area attractive. Mr. Bradley said there is a whole different scale on that side of the block compared to Main Street where it is desired that they build up to Main Street. One way to do that would be to rezone the area which would not be quite midblock in some areas but possibly as close as they can. There can be parcels with two different zones but they would probably object to the zone change rather than support it. Rezoning would be one way to protect and encourage residential.

Mr. Handy asked Mr. Bradley if he was saying that they want to protect the existing residential throughout the commercial district. Mr. Bradley replied that it was not necessarily throughout all of it but just through the main CBD corridor from 700 South to about 800 North. Mr. Fowler commented that it came down to having all those old homes in a commercial district and, as it stands, they can be torn down. He said the thought was if something should be done that encourages preservation of some of those old homes such as allowing them to have businesses which in some cases would preserve them. Mr. Bradley commented that creating an overlay zone, which is a type of zone that would create additional standards superseding the previous zoning, may be the best thing to do because it would allow new residential and commercial but the standards would create compatibility between the two. Apartment requirements would limit the type of commercial that could go in on some of the smaller lots. Mr. Handy asked Mr. Bradley how many conflicts with existing businesses they would have if they eliminated 200 South to 200 North and changed the zoning down the middle of the block for the remaining blocks going north and south. Mr. Bradley went over the visual display pointing out the commercial uses in the area suggested by Mr. Handy. As an example he explained the overlay on West Forest which outlines design standards for the buildings, landscaping, and the types of uses that are allowed there.

Ms. Poelman commented that it is a situation that needs to be addressed. She gave an example of the apartments that are going in on 500 West and 500 South where the neighbors did not know that the zoning allowed multiple dwellings in that area which could have been changed before hand. Mr. Bradley said the key is to look ahead so we can be proactive rather than reactive to those type of situations. He asked the Commission how they wanted to proceed with the changes that they have been working on. Mr. Bradley clarified that they are prohibiting any new dwellings to be built in the commercial zone but at the same time they are not being made nonconforming which protects them to be able to allow homeowners to make additions to their dwellings. Mr. Jensen commented that they should move the application forward and revisit that particular section at a later date as opposed to holding up approval.

Mr. Bradley explained that if they did not do an overlay they would probably have to amend the dwelling portion to allow new dwellings if that is what the Commission desires. If the overlay is only to direct commercial it would be fine but if it was felt that a single family dwelling should be allowed to be built on a vacant lot then that would have to be amended if what is being proposed is adopted now. The overlay would be prepared and depending on that outcome, that particular line item would need to be changed. The differences in the R-M-30 and R-M-15 were discussed including density and what could possibly be built. Mr. Handy said the R-M-30 provides more flexibility.

**MOTION:** A motion was made by Roger Handy to approve application #3085 and recommend to the City Council that they approve it based upon the draft the Commission received at this meeting dated in pen 2/3/09. The motion was seconded by Barbara Poelman.

Discussion: Mr. Fowler asked if it would be recommended with the minor changes they introduced at this meeting and discussed, including the size of the trees. Mr. Handy said he would like to include those changes to his motion. Ms. Poelman seconded that. Mr. Bradley clarified that the onsite or offsite laundry cleaning was one of those.

The motion passed unanimously.

**DISCUSSION:**

There was no discussion.

**MOTION:** A motion was made by Roger Handy to adjourn. The motion was seconded by Paul Fowler and passed unanimously.

The meeting adjourned at 8:37 p.m.

*This certifies that the regular meeting minutes of February 03, 2009 are a true and accurate copy as approved by the Planning Commission on February 17, 2009.*

*Signed:* \_\_\_\_\_

*Jeffery R. Leishman, Secretary*